

ASSEMBLY BILL

No. 2251

Introduced by Assembly Member Yamada

February 21, 2014

An act to add Section 12024.13 to the Business and Professions Code, relating to weights and measures.

LEGISLATIVE COUNSEL'S DIGEST

AB 2251, as introduced, Yamada. Weights and measures: beverage containers: redemption value.

Existing law makes it unlawful for a person, at the time of sale of a commodity, to charge an amount greater than the price that is advertised, posted, marked, displayed, or quoted for the commodity. Existing law requires the Department of Food and Agriculture and each county sealer to enforce these provisions. A violation of these provisions is a crime.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a beverage distributor to pay a redemption payment in a specified amount for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery, for deposit in the California Beverage Container Recycling Fund. The act authorizes a dealer, as defined, to separately identify the amount of any redemption payment imposed on a beverage container in all advertising of beverage products and on shelf labels of the dealer's establishment.

This bill would require a dealer, at the time of sale of a beverage in a container subject to the act, to separately identify the amount of any redemption payment imposed on the beverage container pursuant to the act and to accurately identify the amount of any redemption payment

required by the act. Because a violation of these provisions would be a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12024.13 is added to the Business and
2 Professions Code, to read:

3 12024.13. (a) A dealer shall, at the time of sale of a beverage
4 in a container subject to Division 12.1 (commencing with Section
5 14500) of the Public Resources Code, separately identify the
6 amount of any redemption payment imposed on the beverage
7 container pursuant to Section 14560.5 of the Public Resources
8 Code and shall accurately identify the amount of the redemption
9 payment required by Section 14560 of the Public Resources Code.

10 (b) For purposes of this section, “dealer” has the same meaning
11 as in Section 14510 of the Public Resources Code.

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.